

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

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|---------------------------|---|-------------------------------------|
| JEFFREY SAAG, | : | Case No. 1:19-cv-548 |
| | : | |
| Petitioner, | : | Judge Timothy S. Black |
| | : | |
| vs. | : | Magistrate Judge Karen L. Litkovitz |
| | : | |
| WARDEN, CHILLICOTHE | : | |
| CORRECTIONAL INSTITUTION, | : | |
| | : | |
| Respondent. | : | |

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 5)**

This case is before the Court pursuant to the Order of General Reference to United States Magistrate Judge Karen L. Litkovitz. Pursuant to such reference, the Magistrate Judge reviewed the pleadings and, on August 29, 2019, submitted a Report and Recommendation (Doc. 5). No objections were filed.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court finds that the Report and Recommendation should be and is hereby adopted in its entirety.

Accordingly:

1. The Report and Recommendation (Doc. 5) is hereby **ADOPTED**;
2. Because this Court lacks jurisdiction in this matter involving a successive habeas petition within the meaning of 28 U.S.C. § 2244(b), Petitioner's *pro se* petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 (Doc. 1) is hereby **TRANSFERRED** pursuant to 28 U.S.C. § 1631 to the United States Court of

Appeals for the Sixth Circuit for review and determination whether the district court may consider the successive claims for relief; and

3. Petitioner's motion for an evidentiary hearing (Doc. 4) is hereby **DENIED**.
4. The Clerk of this Court shall accomplish transfer of this case to the United States Court of Appeals for the Sixth Circuit.

IT IS SO ORDERED.

Date: 2/19/2020

s/ Timothy S. Black
Timothy S. Black
United States District Judge